

20

File No. 135-29

1929

Serial Nos. 1-2

Preserve  
m.  
3/1/43

**GENERAL AND REVENUE SECRETARIAT.**

### Part B for

Re. certain irregularities in the conduct of  
certain Green Companies entered into  
Re. Baha Dur N. S. Manjhi & Co. <sup>1</sup> ~~Re. Baha~~  
Havva

To  
 Dear Sir & Mrs. S. A. Auf'm Dieck  
 Pleader, Haver  
 No. 2178.8 16.10.30  
 sent out by - on account of his  
 negligence in winter weather, severe  
 cold 672.09-10 in the 18th of the  
 month. Haver has become  
 knee - lamed & is in a bad  
 way. No 63-120 Bre 5/10  
 has to be written of the 20th

For Renda  
29/10/30

4591

Serial  
No.

Letter No P.S. 6-20 dated 20<sup>th</sup> March 1930 from the D.C. Hassan forwarding copy of his letter to the Comr of Stamps referring certain irregularities in the conduct of certain exec<sup>n</sup> cases entrusted to Rao Bahadur N.S. Nanjundaiya, Pleader, Hassan.

Certain execution cases relating to the recovery of institution fees due to Govt in pauper suits were entrusted to Rao Bahadur N.S. Nanjundia, Pleader, Hassan. It appears that in one case (O.S. 883 of 20-21) though the amount was deposited by the judgment debtor & withdrawn by the Pleader on 13.2.29 it was paid to the D.C.'s office only on 4-10-29. Mr Nanjundia has not explained the cause for the delay though the same has been asked for by the D.C. Hassan.

In another case (O.S. 672 of 20-21) the amount due to Govt was Rs 63-12-0 Rs 20/- paid by the judgment debtor & received by Mr Nanjundia on 5-3-26 was remitted to the D.C. only on 1-10-27, after a delay of over 1 1/2 yrs. The App<sup>n</sup> (Ex 1155 of 23.24) was dismissed on 26-3-1926 & in spite of repeated R<sup>s</sup>, the Pleader has not taken any action in the matter. Mr Nanjundia

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However wrote to the D.C. on 20.1.30 that the question of limitation would not arise since "maintenance is a recurring right of the Crown is the claimant".

The D.C. Hassan appears to have consulted the Munsiff himself, who in his letter dated 3.2.30 states that in his opinion, the time prescribed under Act 182 would not in the circumstances be extended.

It is rather very strange how the learned munsiff thought fit to give his opinion, personal though it be, in a case which he knew would come before him for adjudication.

It is however clear <sup>Mr Nanjundia's opinion that</sup> that a fresh exec<sup>n</sup> appl<sup>n</sup> would lie even after three years of the dismissal of the last, simply because the Crown is the claimant, cannot be correct. The fact that the maintenance is a recurring right cannot <sup>extend</sup> ~~afford~~ the three year's rule when the exec<sup>n</sup> is not for recovery of the maintenance but for that of the institution fee due to Govt.

It follows therefore that owing to the laches of Mr Nanjundia, further exec<sup>n</sup> appears to be barred. Mr Nanjundia however states in his letter of 20.1.30

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that he would be responsible for the early recovery of this sum of Rs 43,12.0 in due course.

The D.C. Hassan has moved the Comr of Stamps to obtain the orders of Court in the matter. Consequently, the reference from the Comr may perhaps be awaited.

26.3.30  
26/3

d.R.)  
1  
enclosure

26/3

26/4

I think the refce from the Comr of Stamps was received some time ago by the Secy. Mr. L. Rao to kindly put it up.

me  
4.4.

The linked file contains the reference from the Comr of Stamps. He has forwarded the papers for orders of Court & has not recorded his own views in the matter -

The decision in 4 Mad 155 quoted by the Munsiff in his opinion given to the D.C. is an authority for the view that in cases of applications under art 142 of the Limitation Act, Court cannot claim any extension of time, simply because it is the Court that is the applicant. It is only in Suits, that Court gets under art 149 the period of Sixty years -

me

No. CR/43/29-30

Encl. *fine only*:

4. 0 422/13 B100  
28/3  
OFFICE OF THE COMMISSIONER OF STAMPS IN MYSORE,

Bangalore, dated 27/3 March 1930.

From

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,  
The Commissioner of Stamps in Mysore,  
Bangalore.

RAJASEVAPARAYANA  
B. SRINIVASA IYENGAR, ESQ., B.A., B.L.,  
Secretary to Government of His Highness  
the Maharaja of Mysore,  
Financial Department, Bangalore.

Sir,

I have the honor to forward herewith, for the orders of Government, a copy of letter No. P. S. 6/20-21 dated 14th March 1930 from the Deputy Commissioner, Hassan District re: the irregularities - stated to have been committed by the Pleader Rao Bahadur N. S. Nanjundiah of Hassan in conducting execution cases entrusted to him for the recovery of Institution Fees due to Government.

I have the honor to be,

S i r,

your most obedient servant,

Commissioner of Stamps.

*3rd member  
Mr. K. R. ) 1/2  
27.3.30.  
Dr.  
9810  
29/4  
I have discussed the question  
with the member.  
We also have the who in  
Court as the work shut.  
Dr. 29/4*

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No.

In O.S.883 of 20-21, Rao Bahadur N.S.Nanjundiah, is said to have received on behalf of the Deputy Commissioner, Hassan, a sum of Rs.36-10-0 on 13-2-1929 and remitted Rs.23-4- after deducting expenses of the court on 4-10-29 after a delay of nearly 8 months.

In ~~xx~~ O.S.672 of 19-20 also, he appears to have received a sum of Rs.20 on 5-3-1926 and remitted the same to Deputy Commissioner only on 1-10-1927 i.e., nearly a year and half after.

It is not stated that Mr. Nanjundia misapplied the money for his own use during the period or that he delayed payment after a demand for it was made. On the other hand, he appears to have sent the amounts in the usual course, without being asked to do so by the Deputy Commissioner.

Pleaders who are authorised to receive moneys on behalf of their clients usually collect the amounts and retain them till the parties go to them and settle the accounts. Merely delay in payment is not generally considered to be a serious matter, especially when the amounts involved are small and the pleader is something like a standing counsel to the particular client. In the present case the counsel is a respectable pleader occupying an eminent position in public life, and there is absolutely nothing to suspect his bonafides.

The second complaint is that in O.S. 672 of 19-20 Mr. Nanjundiah promised to send

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a fresh execution application in September 1927 but did not do so in spite of repeated reminders. In consequence of this, the further execution of the decree has become barred. Mr. Nanjundiah's plea that the crown being the claimant and maintenance being a recurring right, the question of limitation would not arise, seems to be an afterthought and cannot stand scrutiny. The decision in 4 Mad. 155 is an authority to show that in cases of applications under art-182 of the Limitation Regulation, the Crown cannot claim any exemption from the statutes of Limitations. The fact that maintenance is a recurring right cannot extend the three years' rule when the execution is not for recovery of maintenance but for that of the institution fee due to Government.

It appears therefore to be a clear case of negligence for which, ordinarily, the pleader is liable to make good the loss caused to Government. The decree in this case was one for recovery of institution fee due to Government in a suit filed in forma pauperis and the amount due was Rs.43-12-0. It is, however, problematical whether the amount could really have been recovered from the judgment debtor even if steps had been taken in time to execute the decree. There is no information on this point, and it is too well known that in the majority of cases the institution fee due in pauper suits is treated as irrecoverable.

74597824

Serial  
No.

DEWAN'S OFFICE  
1773  
10 OCT. 1930

OFFICE OF THE  
SECOND MEMBER OF COUNCIL  
1 OCT. 1930  
No. 2430

OFFICE OF THE  
SECOND MEMBER OF COUNCIL  
1 OCT. 1930  
No. 2430

OFFICE OF THE  
SECOND MEMBER OF COUNCIL  
7 OCT. 30  
No. 2857

Under these circumstances it appears to be sufficient if the amount may be written off and his negligence is pointed out to Mr. Nanjundiah by Government. A copy of the letter addressed to him may be sent to the Deputy Commissioner, Hassan, in reply to his reference in the matter.

2<sup>nd</sup> Member

Ys: Please put up draft

Draft put up for orders

Legal R

2<sup>nd</sup> Member

L.R

2<sup>nd</sup> Member

approved. Please submit to  
Dewan

(Dewan)

P.M. 2/9

1/10/30

P.M. 2/10

P.M. 4/10

A typed WfG may be put up

P.M. 6/10

989 4/10

P.M. 5/10

2<sup>nd</sup> Member

P.M. 6/10

989 6/10

8/10/30

P.M. 10/10

Mule

13/10/30

989 14/10

Serial  
No.

To

Rao Bahadur Nanjundaiya, Pleader, Hassan  
D.O. no. P. 2178 dated 15/10/30 pointing  
out that Govt regret to observe that an  
account of <sup>your</sup> negligence the further execution of  
deceit has become time barred and the  
amount due has to be written off the account.

Copies

memo no. P. 2179 d 16.10.30 to the D.C. Hassan

" no. P. 2180 d 16.10.30 to the Com<sup>r</sup> of Mysore

To the Financial Branch for  
perusal and return.

AD  
17.10.30

AD  
17.10.30

B

150  
29/10.

M. K. S. S.

Tel. Address:—Depcom. Hassan.

OFFICE OF THE DEPUTY COMMISSIONER,  
HASSAN DISTRICT,

Dated, Hassan, the 20th March 1930.

In reply please refer to  
No. P.S. 6-20  
Encl. 4

From

S. ABDUL WAJID, Esq., B.A.,  
Deputy Commissioner, Hassan District.

To

P. MAHADEVAYYA, Esq., B.A., B.L.,  
Secretary to the Government of His  
Highness the Maharaja of Mysore, Bangalore.  
(Law Department)

Sir,

I have the honour to forward herewith for your information copy of my letter No. P.S. 6-20 dated 15th March 1930, with copies of enclosures addressed to the Commissioner of stamps in Mysore, in the matter of certain irregularities in the conduct of cases of recovery of Institution fees due to Government which had been entrusted to Rao Bhaddur N.S. Nanjundaiya, Pleader, Hassan.

I have the honour to be,  
Sir,  
Your most obedient servant,

*N. S. Bhattacharya*  
Jr Deputy Commissioner,  
Hassan District.  
2. Absent from Head Quarters.

2

Letter No.P.S.6-20 dated the 15th March 1930, from the Deputy Commissioner, Hassan District to the Commissioner of stamps in Mysore, Bangalore.

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SUBJECT :- Recovery of institution fees due to Government.

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I have the honour to bring to your notice the irregularities in the conduct of the following cases of recovery of institution fees due to Government which had been entrusted to Rao Bahadur Mr.N.S.Nanjundaiya, Pleader, Hassan.

1. A sum of R. 23-4-0 was due to Government in O.S.No.883 of 1920-21 on the file of the Munsiff, Hassan and as the amount could not be recovered in the usual course the case was entrusted to him for taking out Execution proceedings on 18-11-1924. When the properties were ordered to be sold on 31-8-1928 a sum of R. 36-10-0 was paid by one Subbaiya which was credited to the Judicial Deposit and the Execution Application was dismissed on 7-9-28. The Judgment Debtor not knowing that the amount was paid by his agent on the date of sale remitted through Money Order to the Court, another sum of R. 36-10-0 on 18-9-1928 which was credited to the treasury on the same date for final credit to Government. When the Pleader of Decree Holder filed a receipt for the payment of R. 36-10-0 in Judicial deposit, the Munsiff's Court without noticing that the money received through Money Order had been credited to Treasury for final credit, issued a Cheque on 13-2-29 for R. 36-10-0 that was in Judicial Deposit to Rao Bhadur Mr.N.S. Nanjundaiya as intimated by the Munsiff, Hassan in his letter No. 579-29 dated 29-1-1930, (copy enclosed) and out of the the said sum of R. 36-10-0, a sum of R. 23-4-0 after deducting expenses of the Court was remitted to this office on 4-10-1929, by the Lawyer after a delay of nearly 8 months and this amount was credited to the Treasury by this office on the date of receipt and thus the amount was doubly recovered from the party and the question of refund of excess amount to the party is under correspondence with the Munsiff of Hassan. As there was a delay of nearly 8 months in sending the money received by the Lawyer from the Munsiff's Court, he was requested to explain the reason for the delay in this office letter No.P.S.13-21 dated 3-2-1930 and no reply has been received to this communication.

2. In another case , O.S.No.672/1920-21 on the file of the Munsiff of Hassan, a sum of R. 63-12-0 was due to Government and as this amount could not be recovered in the usual course, the case was entrusted to Rao Bhadur Mr.Nanjundaiya on 18-7-1923 for taking out Execution proceedings for recovery of the amount. A sum of R. 20/- which was ~~paid~~ paid to Mr. Nanjundaiya by the Court on 5-3-1926, was sent to this office on 1-10-27 after a delay of over 1 1/2 years and was credited to the Treasury by this office on the date of receipt. Mr.Nanjundaiya in his O.O.letter dated 29-9-27 promised to send a fresh execution application for the recovery of the balance of R. 43-12-0 that was still due. Five reminders as noted in the margin were issued to him for sending the fresh Execution application and as no reply was received 15-10-1927: another stringent reminder was issued to him on - 7-4-1928 : 15-1-1930, with the intimation that if a reply was 8-6-1928 : not received within a week there after the matter would 9-12-1928 : be reported to Government. Mr.Nanjundaiya in his 2-1-1930 : letter dated 20-1-1930 (Copy enclosed) replied that since the dismissal of the last execution application No.1155 of 1923-24 no fresh application was filed, that he was exerting to ascertain which properties may be proceeded against, that he would endeavour to get the information from the original papers which are in the Central Records in Mysore and that he would then prepare a fresh execution application and send it on for my signature. He

ent

- 2 -

He further stated that as the Crown is the Claimant and as the maintenance is a recurring right, the question of limitation would not come in the way and he assured me that he would be responsible for the early recovery of the sum of Rs 43-12-0 in due course. The Munsiff of Hassan, who was consulted in the matter stated in his letter No.592 dated 3rd February 1930 (Copy enclosed) that the Execution application No.1155/23-24 was disposed of on 26-3-1926 and the sum of Rs 20/- recovered was paid to the Plaintiff's Pleader on 5-3-1926, and added that the fact that maintenance is a recurring right and that Crown is the Claimant would not in any way extend the period of limitation. Subsequently, Mr. Nanjundaiya was addressed on 8th February 1930 that the Execution was barred by limitation and the balance of Rs 43-12-0 could not be recovered by Civil proceedings and that there was no alternative but to credit the amount immediately and close the case which was pending for nearly seven years. He was further asked to explain the delay of nearly one year and seven months in crediting the part recovery of Rs 20/- and no reply has been received to this office communication.

The above facts clearly go to show that owing to neglect or indifference on the part of the Lawyer entrusted with the recovery of institution fees due to Government not only has there been inordinate delay in crediting the amount <sup>due</sup> ~~due~~ to Government in the two cases but also double credit has been made in the first case and in the second case a sum of Rs 43-12-0 due to Government has become irrecoverable being barred by limitation, I request you to kindly bring this to the notice of Government and obtain their orders in the matter.

====

" C O P Y "

*K. S. Mahapatra*  
2 Deputy Commissioner,  
2 Hassan District.

3

Letter No.61.579/29-30 dated the 29th January 1930, from the  
Munsiff of Hassan to the Deputy Commissioner, Hassan District.

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With reference to your No.P.S.13-21 dated 25-10-1929  
and in continuation of this office No.556/29-30 dated 17th January  
1930, I have the honour to state that the properties had been ordered  
to be sold in Ex.No.946/24-25 on the file of this Court filed by  
Decree Holder (Deputy Commissioner) for the recovery of the Ins-  
titution fee due to Government in OS 883/20-21 and on 31-8-1928  
(date of sale) a sum of R. 36-10-0 was paid by one Subbaiya and the  
same was credited to Judicial Deposit and the execution application  
was dismissed on 7-9-1928 after ordering entry of full satisfaction  
and payment of the amount in deposit to decree holder (Deputy Commis-  
sioner).

The sum of R. 36-10-0 received through money order on 18-9-1928  
was remitted to Treasury on the same day for final credit to Govern-  
ment under the head Courts of Law through remittance register without  
noticing that Subbaiya had already deposited R. 36-10-0 on 31-8-1928.

When the pleader for Decree Holder filed a receipt for  
the ~~amount~~ payment of R. 36-10-0 in judicial deposit the Court without  
noticing that the money received through money order had been credited  
to Treasury for final credit issued a cheque on 13-2-1929, for R.  
R.36-10-0 that was in judicial deposit to Mr. Rao Bhadur R.S.Nan-  
jundaiya, Pleader, for Decree Holder (Deputy Commissioner).

Thus as the sum of R. 36-10-0 has been paid twice over  
to Government, I request you to kindly cause to be re-deposited the  
sum of R. 36-10-0 for being refunded to the petitioner.

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" C O P Y "

*M. K. Narayan*

7 Deputy Commissioner,  
Hassan District.

4

D.O. letter No.P.S.6/29-21/ Re.O.S.672/19-20 dated the 20th January 1930, from ~~the~~ Mr. Rao Bhadur N.S.Nanjundaiya, Pleader Hassan to the Deputy Commissioner, Hassan District.

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With reference to your D.O.No.P.S.6/20-21, dated 16th January 1930, I write to inform you that nothing has been recovered by me towards the sum of Rs 43-12-0 due to Government on account of Institution fees. Since the dismissal of the last execution application No.1155/23-24, no fresh application has been filed. I tried to find out exactly which properties may be proceeded against, and are available but in vain. I shall endeavour to get the information from the original papers which are in the Central Records in Mysore and then prepare an application and send it on to you for signature. If in the meanwhile you can kindly furnish information I shall use the same.

As the maintenance is a recurring right and the Crown is the claimant, I am inclined to think that the question of limitation will not <sup>Come</sup> in the way. You may however rest assured that I shall be responsible for the early recovery of this sum of Rs 43-12-0 in due course.

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" C O P Y "

*N. S. Nanjundaiya*  
Deputy Commissioner, Hassan Dt.  
*n*

5

3rd February

Letter No. Gl. 592/29-30 dated the ~~28th~~ 1930 from  
the munsiff of Hassan to the Deputy Commissioner, Hassan District.

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With reference to your No. S. 6/20-21 dated 27th instant  
I have the honour to furnish the following information from the  
registers of this Court.

1. The execution application No. 1155/23-24 on the file of  
this court filed for the recovery of the institution fee due to  
Government was disposed of on 26-3-1926 and the sum of Rs 20/- was  
paid ~~by xxxxx~~ to Plaintiff's pleader on 5-3-1926, in Court.

2. As regards the point of limitation I am personally of  
opinion that Government is not entitled to any exemption from  
the provisions of the Limitation Regulation relating to appli-  
cations for execution of decrees <sup>and</sup> that even applications filed for  
execution by the Government are governed by Art. 182 of the Limi-  
tation Regulation just as applications for executions filed by any  
private individual (vide I.L.R. 4 Mad. 155). I do not think that  
the fact that maintenance is a recurring right and that Crown is  
the claimant would in any way extend the period of limitation pres-  
cribed in Art. 182. The above is my personal opinion and should ~~be~~  
not be taken as my judicial opinion as I have to express my opinion  
judicially, only when the matter actually comes up for decision  
before me and after hearing full arguments on the point.

====

" C O P Y "

*R. S. Meenappa*  
Deputy Commissioner,  
Hassan District.

*R*

6

Copy of the letter No P.S. 6/20-21 dated 14th March 1930 from the Deputy Commissioner, Hassan District, to the <sup>Commissioner</sup> Inspector-General of <sup>Stamps</sup> Registration in Mysore, Bangalore.

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SUBJECT:- RECOVERY OF INSTITUTION FEES DUE TO GOVERNMENT.

I have the honor to bring to your notice the irregularities in the conduct of the following cases of recovery of institution Fees due to Government which had been entrusted to Rao Bahadur Mr. N. S. Nanjundiah, Pleader, Hassan.

1. A sum of Rs 23-4-0 was due to Government in O/S No. 883 of 1920-21 on the file of the Munsiff of Hassan and as the amount could not be recovered in the usual course the case was entrusted to him for taking out Execution proceedings on 18-11-24. When the properties were ordered to be sold on 31-8-28, a sum of Rs 36-10-0 was paid by one Subbiah which was credited to the Judicial Deposit and the Execution application was dismissed on 7-9-1928. The Judge<sup>ment</sup> Debtor, not knowing that the amount was paid by his agent on the date of sale, remitted through Money Order to the Court, another sum of Rs 36-10-0 on 18-9-1928 which was credited to the Treasury on the same date for final credit to Government. When the Pleader for Decree Holder filed a receipt for the payment of Rs 36-10-0 in Judicial Deposit, the Munsiff's Court without noticing that the money received through Money order had been credited to Treasury for final credit, issued a Cheque on 13-2-29 for Rs 36-10-0 that was in Judicial Deposit to Rao Bahadur Mr. N.S. Nanjundiah as intimated by the Munsiff, Hassan, in his Letter No. 579-29 dated 29-1-1930, (copy enclosed) and out of the said sum of Rs 36-10-0, a sum of Rs 23-4-0 after deducting expenses of the Court was remitted to this Office on 4-10-29 by the Lawyer after a delay of nearly 8 months and this amount was credited to the Treasury by this office on the date of receipt and thus the amount was doubly recovered from the party and the question of refund of excess amount to the party is under correspondence with the Munsiff of Hassan. As there ~~is~~ was a delay of nearly eight months in sending the money received by the Lawyer from the Munsiff's Court, he was requested to explain the reason for the delay in this office letter No. P.S. 13-21 dated 3-2-1930 and no reply has been received to this communication.
2. In another case, OS No. 672/19-20 on the file of the Munsiff of Hassan, a sum of Rs 63-12-0 was due to Government and as this amount.

amount could not be recovered in the usual course, the case was entrusted to Rao Bahadur Mr. Nanjundiah on 18-7-1923 for taking out Execution proceedings for recovery of the amount. A sum of Rs 20/-, which has paid to Mr. Nanjundiah by the Court on 5-3-26 was sent to this office on 1-10-1927 after a delay of over 1½ years and was credited to the Treasury by this office on the date of receipt. Mr. Nanjundiah in his D.O. letter - dated 29-9-27 promised to send a fresh execution application for the recovery of the balance of Rs 43-12-0 that was still due. Five reminders as noted in the margin were issued to him for sending the fresh Execution application and as no reply was received another stringent reminder was issued to him on 15-1-1930 with the intimation that if a - 0  
reply was not received within a week thereafter the - 1. 15-10-1927  
matter would be reported to Government. Mr. Nanjundiah 2. 7-4 -1928  
in his letter dated 20-1-1930 (copy enclosed) replied 3. 8- 6-1928  
that since the dismissal of the last execution appli- 4. 9-12-1928  
cation No. 1155 of 1923-24 no fresh application was 5. 2- 1-1930.  
filed, that he was exerting to ascertain which properties may be proceeded against, that he would endeavour to get the information from the original papers which are in the Central Records in Mysore and that he would then prepare a fresh execution application and send it on for my signature. He further stated that as the Crown is the Claimant and as the maintenance is a recurring right, the question of limitation would not come in the way and he assured me that he would be responsible for the early recovery of the sum of Rs 43-12-0 in due course. The Munsiff of Hassan, who has consulted in the matter stated in his letter No. 592 dated 3rd February 1930 ( copy enclosed ) that the Execution application No. 1155/23-24 was disposed of on 26-3-1926 and the sum of Rs 20/- recovered was paid to the Plaintiff's Pleader on 5-3-1926 and added that the fact that maintenance is a recurring right and that Crown is the Claimant would not in any way extend the period of limitation. ~~And the balance of Rs 43-12-0 could not be recovered~~  
Subsequently, Mr. Nanjundiah was addressed on 8th February 1930 that the execution was barred by limitation and the balance--

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of balance of Rs 43-12-0 could not be recovered by civil proceedings that there was no alternative but to credit the amount immediately and close the case which was pending for nearly seven years. He was further asked to explain the delay of nearly one year and seven months in crediting the part recovery of Rs 20/- and no reply has been received to this office communication.

The above facts clearly go to show that owing to neglect of indifference on the part of the Lawyer entrusted with the recovery of intitutio Fees due to Government not only has there been inordinate delay in crediting the amount due to Government in the two cases but also double credit has been made in the first case and in the second case a sum of Rs 43-12-0 due to Government has become irrecoverable being barred by limitation. I request you to kindly bring this to the notice of Government and obtain their orders in the matter.

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Copy of the letter dated 20th Jan. 1930 from Rao Bahadur N.S. Nanjundia  
Pleader, Hassan, to the Deputy Commissioner, Hassan District.

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With reference to your D.O. No <sup>P.S.</sup> 6/20-21 dated 16th Jan. 1930, I  
write to inform you that nothing has been recovered by me towards the  
sum of Rs 43-12-0 due to Government on account of Institution fees.  
Since the dismissal of the last execution application No. 1155 of -  
23-24, no fresh application has been filed. I tried to find out exact-  
ly which properties may be proceeded against and are available but in-  
vain. I shall endeavour to get the information from the original -  
papers on which are in the Central Records in Mysore and then prepare  
an application and send it on to you for signature. If, in the --  
meanwhile, you can kindly furnish information, I shall use the same.

As the maintenance is a recurring right, and the crown is the -  
claimant, I am inclined to think that the question of limitation will  
not come in the way. You may however rest assured that I shall be -  
responsible for the early recovery of this sum of Rs 43-12-0 in due-  
course.

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9

Copy of the Letter No. 597/29-30 dated 29th Jan. 1930 from the  
Munsiff, Hasan, to the Deputy Commissioner, Hassan District.

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With reference to your No. P. S. 13-21 dated 25th Oct. 1929 and in continuation of this office No. 556/29-30 dated 17th Jan. 1930, I have the honor to state that the properties had been ordered to be sold in Execution No. 946/24-25 on the file of this court filed by decree-holder ( Deputy Commissioner ) for the recovery of the Institution fee due to Government in O.S. No. 883/20-21 and on 31-8-1928 (date of sale) a sum of Rs 36-10-0 was paid by one Subbiah and the same <sup>was credited to judicial deposit and the execution application</sup> was dismissed on 7-9-1928 after ordering entry of full satisfaction and payment of the amount in deposit to the decree-holder ( Deputy Commissioner ).

The sum of Rs 36-10-0 received through money order on 18-9-1928 was remitted to Treasury on the same day for final credit to Government under the head ' Courts of Law ' through remittance register without noticing that Subbiah had already deposited Rs 36-10-0 on 31-8-1928.

When the Pleader for decree-holder filed a receipt for the payment of Rs 36-10-0 in Judicial deposit the Court without noticing that the money received through money order had been credited to Treasury for final credit issued a cheque on 13-2-1929 for Rs 36-10-0 that was in judicial deposit to Mr. Rao Bahadur N.S. Nanjundiah, Pleader for decree holder ( Deputy Commissioner ).

Thus as the sum of Rs 36-10-0 has been paid twice over to Government, I request you to kindly cause to be redeposited the sum of -  
Rs 36-10-0 for being refunded to the petitioner.

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28.

to

Copy of the letter No. 592/29-30 dated 3-2-1930 from the Munsiff,  
Hassan, to the Deputy Commissioner, Hassan District.

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With reference to your No. P.S. 6/ 20-21 dated 27th Inst.  
I have the honor to furnish the following information from the  
registers of this Court.

1. The execution application No. 1155 / 23-24 on the file of  
this court filed for the recovery of the Institution fee due to  
Government was disposed of on 26-3-1926 and the sum of Rs 20/-  
was paid to Plaintiff's Pleader on 5-3-1926 in Court.

2. As regards the point of limitation, I am personally of -  
opinion that Government is not entitled to any exemption from  
the provisions of the limitation regulation relating to appli-  
cations for executions of decrees and that even applications  
filed for execution by Government are governed by article 182  
of the Limitation Regulation just as applications for execution  
filed by any private individual ( vide I.L.R. 4 Mad. 155 ). I  
do not think that the fact that maintenance is a recurring right  
and that crown is the claimant would in any way extend the --  
period of limitation prescribed in art. 182. The above is my  
personal opinion and should not be taken as my judicial opinion  
as I have to express my opinion judicially only when the matter  
actually comes up for decision before me and after hearing <sup>full</sup> ~~at~~  
arguments on the point.

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ASB

Confidential  
D.O

11  
J 2178

4. 10. 30.

of 16.10.30

Dear Sir,

It is learnt that in O.S. 672 of 19.20 on the file of the transfer of Hassan, a sum of Rs 63-12-0 was due to Government on account of institution fees and that the execution of the decree was entrusted to you by the D.C. Hassan. ~~or D.C. Hassan~~. It appears that though you promised in your D.O. letter of 29-9-27 to ~~send~~ take steps in time, you neglected to do so in spite of repeated reminders. Government regret to observe that on account of this, the further execution of the decree has become barred by time, and the amount due has to be written off the accounts.

Yours Sincerely.

Dm'

DM  
4/10.

To, Rao Bahadur, N.S. Nanjundia,  
Pleader, Hassan.

J 2179-30) Copy to The D.C. Hassan with reference to  
his letter NO: P.S. 6-20 dated 20.3.30.  
of 16.10.30) Copy to The Comr of stamps with reference to  
his letter NO: C.R. 143/29.30 dated 27.3.30.

12

Confidential.

Dear Sir,

It is learnt that in O.S. 672 of 19-20 on the file of the Munsiff of Hassan, a sum of Rs. 63-12-0 was due to Government on account of institution fees and that the execution of the decree was entrusted to you by the Deputy Commissioner, Hassan. It appears <sup>you</sup> that though/promised in your D.O. letter of 29th September 1927 to take steps in time ~~you neglected to do so~~ <sup>~~omitted this was not done~~</sup> in spite of repeated reminders. Government regret to observe that on account of this, the further execution of the decree has become barred <sup>time</sup> by time, and the amount due has to be written off the -- accounts.

2128  
 7/16/30  
 30

Yours sincerely,

Rm  
 5/10

Rao Bahadur  
 H.S.Nanjundia, Pleader, Hassan.

Memo No.P. 2179 7/16/30  
 Copy to the D.C.Hassan with reference to his letter No.P.S. 6-20 dated 20-3-30.

B.O.

For Secy. to Govt. Law Deptt.

Memo No.P. 2180 7/16/30

Copy to the Commissioner of Stamps with reference to his letter No.C.N. 143/29-30 dated 27th March 1930.

B.O.

2189

For Secy. to Govt. Law Dept

15/10

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

CONFIDENTIAL

Dated, Bangalore, 15th October 1927

D.O. No. 2178

Dear Sir,

It is learnt that in O.S. 672 of 19-20 on the file of the Munsiff of Hassan, a sum of Rs. 63-12-0 was due to Government on account of institution fees and that the execution of the decree was entrusted to you by the Deputy Commissioner, Hassan. It appears that though you promised in your D.O. letter of 29th September 1927 to take steps in time this was not done in spite of repeated reminders. Government regret to observe that on account of this, the further -- execution of the decree has become time barred and the amount due has to be written off the accounts.

Yours sincerely,

Sd/-P.Mahadevayya.

Rao Bahadur

N.S.Nanjundiah, Pleader, Hassan.

Memo No.P. 2179

Copy of the above is forwarded with compliments to the Deputy Commissioner Hassan with reference to his letter No.P.S. 6-20 dated 20th March 1930.

By Order,

Sd/-P.Mahadevayya.

Secy. to Govt. Law Deptt.

Memo No.P. 2180

Copy to the Commissioner of Stamps with reference to his letter No.C.R. 143/29-30 dated 27th March 1930.

By Order,

N. Samiengar  
For Secy. to Govt. Law Deptt.